

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BETTY LIVERMORE, wife; and RON
LIVERMORE, husband;**

Plaintiffs,

vs.

WALMART, INC., a foreign corporation;

Defendant.

8:21CV425

ORDER SETTING TRIAL

This matter is before the Court following a planning conference held with counsel for the parties on October 31, 2022, before the undersigned magistrate judge. In accordance with the matters discussed during the planning conference and for good cause shown,

IT IS ORDERED:

- 1) The deadline for plaintiff to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **November 18, 2022**.
- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **December 2, 2022**.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is **January 13, 2023**.
- 4) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **May 30, 2023**, at **10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m.** on **May 23, 2023**.
- 5) The jury trial of this case is set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **June 20, 2023**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

Dated this 31st day of October, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge